

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE
CAPITAL ONE TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

Master Docket No. 1:12-cv-10064
MDL No. 2416

This document relates to:

BRIDGETT AMADECK, et al.,

Case No. 1:12-cv-10135

v.

CAPITAL ONE FINANCIAL
CORPORATION, and CAPITAL ONE BANK
(USA), N.A.

This document relates to:

NICHOLAS MARTIN, et al.,

Case No. 1:11-cv-05886

v.

LEADING EDGE RECOVERY
SOLUTIONS, LLC, and CAPITAL ONE
BANK (USA), N.A.

This document relates to:

CHARLES C. PATTERSON,

Case No. 1:12-cv-01061

v.

CAPITAL MANAGEMENT, L.P., and
CAPITAL ONE BANK (USA), N.A.

JEFFREY T. COLLINS,

Objector.

**JOINT MOTION FOR STAY OF PROCEEDINGS
ON COLLINS' MOTION FOR ATTORNEYS' FEES,
EXPENSES AND INCENTIVE AWARD PENDING APPEAL**

Class Plaintiffs and Objector Jeffrey T. Collins hereby jointly request that this Court stay proceedings on Collins' Motion for Attorneys' Fees, Expenses and Incentive Award (Dkt. 409) until such time as the Seventh Circuit has resolved the issues posed in Collins' appeal (Appeal No. 15-1546). The federal rules contemplate that a district court may defer ruling on a request for attorneys' fees until a pending appeal is decided. *See* Comments to Fed. R. Civ. Proc. 54 (1993 amendments) ("If an appeal on the merits of the case is taken, the court may rule on the claim for fees, may defer its ruling on the motion, or may deny the motion without prejudice, directing under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved.").

Here, a stay is appropriate because Collins seeks payment of fees from class counsel's fee award, which is the subject of the appeal. Further, the outcome of Collins' appeal may affect the amount of fees, if any, to which Collins is entitled. It would waste the Class Plaintiffs', Objector Collins' and this Court's resources to analyze the record and arguments, and then repeat that process if there is any change to the final judgment based on the Seventh Circuit's ruling.

Defendants do not oppose this Motion.

Wherefore, Class Plaintiffs and Objector Collins respectfully request that the Court grant this Joint Motion to Stay Proceedings on Objector Collins' Motion for Attorneys' Fees, Expenses and Incentive Award Pending Appeal.

Dated: May 22, 2015.

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CERTIFICATE OF SERVICE

The undersigned certifies she electronically filed the foregoing Motion via the ECF system for the Northern District of Illinois, thus effecting service on all attorneys registered for electronic filing. Additionally she caused to be served via First-Class mail a copy of this Motion upon the following:

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Dated: May 22, 2015.

/s/ Melissa A. Holyoak